

**Enrolled Minutes of the Thirty-fourth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, May 11, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, May 11, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, and Dan Vassar were present. Councilors Konnie Kuiper and Brian Novak were at the Sheppard Park watching the Police Memorial. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the possible disposals of the houses at 3315 and 3309 Ridge Road, and Resolution No.2009-23.
3. The Town Council discussed the establishment of a General Improvement District and whether or not the public works director should prepare a power point presentation to be exhibited at the preliminary hearing
4. The Town Council and the Public works director also discussed whether or not Idlewild should be reconstructed or merely repaved.
5. The town Attorney briefed the Town Council on the process and status of the pending proposed Sanitary District Capital Project set to be financed by the pending Bond Issue, to be developed as a Build America Bond.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 11, 2009 at 7:01 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with the Town Council President Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director; Kenneth J. Mika, Building Commissioner and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Lisa Gauthier, Dawn Wolak and Laurel Roach of the Community Events Commission; Mark Roorda and Dan Stombaugh of the Town Board of Metropolitan Police Commissioners; and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 27 April 2009 were approved by general consent.

Special Orders:

1. **Ceremony:** Administration of Oath of Office for Police Officer Candidate **Anthony A. Kowal**. Police Officer Candidate Kowal was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 11 September 2008, with the appointment to be effective 3rd of May 2009.

(a) Action by Town Council determining that the named Candidate Meets the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council. Councilor Kuiper moved that Officer Kowal meets the qualifications for appointment as a police officer as determined by the Town Board of Metropolitan Police Commissioners and are now approved by the Town Council, councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The candidate was found qualified.

(b) *Administration of Oath.* The Clerk-Treasurer administered the oath office to Police candidate Kowal, who offered affirmation.

(c) The Metropolitan Police Chief presented Police Officer Kowal his badge.

Staff Reports: The Council received the following reports as information for the record:

• Building & Inspection Report for April 2009

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$30,000.00	\$525.50
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	85	85	0	\$396,267.00	\$7,809.50
Addit/Remodel					
Commercial	2	0	2	\$43,250.00	\$862.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0	0	\$0.00	\$0.00
Sheds	1	1	0	\$1,000.00	\$73.00
Fences	17	15	2	\$43,209.00	\$1,536.00
Garage	0	0	0	\$0.00	\$0.00
Decks & Porches	8	8	0	\$21,575.00	\$1,536.00
Swimming Pools	3	3	0	\$0.00	\$219.00
Misc. Permits	11	11	0	\$51,099.00	\$1,309.00
Misc. other	1	1	0	\$0.00	\$91.50
Signs	3	0	3	\$17,928.00	\$817,000
Fire Repair	0	0	0	\$0	\$0
Total:	132	125	7	\$604328.00	\$14,871.00
Electrical Permits	11	6	5		\$1,067.00
Mechanical Permits	3	1	2	0	\$238.50
Plumbing Permits	16	14	2		\$1,423.50
Water Meters	4	4	0		\$450.00

Water Taps	1	1	0	\$200.00
Sewer Taps	3	3	0	\$900.00
Total:	24	22	2	\$2,973.50

March Code Enforcement: 127 warnings issued and 2 citations were issued.

There were 53 final building inspections, 20 plumbing inspections, and 21 electrical inspections. There were two electrical exams given.

• **Fire Department Report for April 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	13	41	49	
Car Fires	2	6	5	
Still Alarms	6	27	26	
Ambulance calls	0	0	1	

• **Workplace Safety Report for April 2009**

There was one incident reported in April. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	0	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	1	4	8	0	0	0	21
Street	0	0	6	0	0	3	2
Water & Sewer	0	1	6	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	1	5	25	0	0	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Works Board Order No. 2009-13:** An Order for the Preliminary consideration of the Ridgewood Avenue Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements.

Councilor Herak moved the passage and adoption of Works Board Order No. 2009-13.
Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives.
The motion passed. The Works Board Order was adopted.

TOWN OF HIGHLAND
Order of the Works Board No. 2009 - 13

AN ORDER for the PRELIMINARY CONSIDERATION of the RIDGEWOOD AVENUE RECONSTRUCTION PROJECT and FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND and SPECIAL ASSESSMENTS from PROPERTY OWNERS BENEFITING from SUCH IMPROVEMENTS

Whereas, Pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, Several residents of the **2000-2100 blocks of Ridgewood Avenue** have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

Whereas, The cost for curb and sidewalk replacement shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute; and,

Whereas, The Town Council desires to proceed with the **Ridgewood Avenue Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, The Town has retained Garcia Consulting to prepare plans and specifications for the **Ridgewood Avenue Reconstruction Project**; and

Whereas, The Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **Ridgewood Avenue Reconstruction Project** and to finance the cost of the improvements through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements pursuant to IC 36-9-36.

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements.

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as **Exhibit A** and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council.

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at **7:00 P.M. on June 8, 2008**, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Be it So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 11th day of May, 2009 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

Dan Vassar, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

2. *Instruct the proper officer to public notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2009 Budget for Municipal Cumulative Street Fund, in the amount of \$25,000. Councilor Herak moved to instruct the proper officer to cause legal notice to be published to support the public hearing. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing was authorized.*
3. **Proposed Ordinance No. 1425:** An Ordinance Accepting the Health and Wellness Proposal submitted by CHC Wellness, Inc, Establishing a Limited Group Health and Wellness Benefit for Municipal Employees and their covered dependents, and providing for the payment of an employee co-payment by the municipality as employer.

Councilor Zemen introduced and moved the consideration on the same evening of introduction of Ordinance No. 1425. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote

being necessary, there were five affirmatives and no negatives. The ordinance could be considered.

Councilor Zemen moved the passage and adoption on the same evening of introduction of Ordinance No. 1425. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The ordinance was adopted.

**ORDINANCE NO. 1425
OF THE
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE ACCEPTING THE HEALTH AND WELLNESS PROPOSAL SUBMITTED BY CHC WELLNESS, INC, ESTABLISHING A LIMITED GROUP HEALTH AND WELLNESS BENEFIT FOR MUNICIPAL EMPLOYEES AND THEIR COVERED DEPENDENTS, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10-8 further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that the establishment of a program for Health and Wellness services for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to authorize and establish such a program for medical infertility services for its public workforce on a limited basis;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That there is established for the municipality a program for Health and Wellness services for its public workforce pursuant to and consistent with the provisions of the relevant governing law;

Section 2. That *CHC Wellness*, a wellness program provider, has presented a proposal to operate and provide a program of health and wellness services to the Town of Highland's municipal workforce and covered spouses and dependents, who are enrolled in either the PPO or the HDHP of the United Health Care group medical insurance plan, in which CHC will utilize and directly bill the United Health Care group medical insurance plan in force with the Town of Highland, for wellness services, a benefit that is included in the United Health Care group medical insurance plan, but under utilized, subject to a \$25 co-pay, for each participant;

Section 3. That the Town Council hereby authorizes, accepts and approves the proposal as presented by CHC Wellness, as set forth in the accompanying exhibit, which is incorporated and made a part of this ordinance;

Section 4. That the Town Council further hereby authorizes and approves the payment of the identified co-payment, as part of the program, in the amount of \$25 for every participant in the PPO, and finds and determines the co-payment to be a fee to be paid on behalf of the participants in the PPO as employees by the Town of Highland as employer;

Section 5. That the Town Council still further hereby authorizes and approves the payment of the identified co-payment, as part of the program, in the amount of \$25 for every participant in the PPO, noting that the maximum exposure to the Town of Highland as the payer of this co-payment is capped at \$2,000;

Section 6.(A) That the source of the funding for this program shall be the properly identified appropriation in Office of the Town Council in the Corporation General Fund which is established to support wellness expenses.

(B) That the Clerk-Treasurer shall take the steps necessary to carry out the administration of this program from the fund and account identified herein, including causing any additional appropriations hearing that may be necessary, and properly encumbering the amount of money necessary to cover the liability likely to be incurred under the terms of this ordinance.

Section 7. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing compensation and benefits, known as the compensation and benefits ordinance and commonly promulgated as the Personnel Compensation and Benefits Policy;

(A) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;

(B) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, remain in full force and effect;

Section 8. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 11th day of May 2009. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of May 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2009-14:** An Order Ratifying, Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Mobile TEK Consulting for Four (4) Panasonic CF30 Tough book Laptops and five year added warranty protection, pursuant to IC 5-22, IC 36-1-4-16, and §31.18(C) of the Municipal Code.

Councilor Novak moved the passage and adoption of Works Board Order No. 2009-14. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed, The Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2009-14**

AN ORDER RATIFYING, APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO A PURCHASE AGREEMENT WITH MOBILE TEK CONSULTING FOR FOUR (4) PANASONIC CF30 TOUGH BOOK LAPTOPS AND FIVE YEAR ADDED WARRANTY PROTECTION, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be below \$25,000.00, no quotes from vendors will be sought, but instead a purchase of four (4) Panasonic CF30 tough book Laptop computers, along with an associated enhanced warranty protection plan will be made in open market, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has previously identified CDS Office Technologies, to be a desirable source vendor for the purchase of four (4) Panasonic CF30 tough book Laptop computers, along with an associated enhanced warranty protection plan, at a unit price of \$3,650.00 for each laptop, but a total contract price of \$14,600, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The contract price for the purchase of the foregoing was and is in excess of \$10,000 and, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, did require and now does require the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase payments were supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council, acknowledges that this purchase made on September 9, 2008 without prior authorization, now desires to ratify, approve and authorize the Metropolitan Police Chief to enter into a purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1 That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed **small purchase** pursuant to IC 5-22 and §31.20(G) (2) of the Highland Municipal Code;

Section 2. That the Metropolitan Police Chief's previous action on September 9, 2008, to purchase four (4) Panasonic CF30 tough book Laptop computers, along with an associated enhanced warranty protection plan, at a unit price of \$3,650.00 for each laptop, but a total contract price of **\$14,600.00** is hereby ratified, authorized and approved;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Section 4. That any actions related to the purchase of the computers and extended warranties as herein described that may have taken place before the passage and adoption of this order be further affirmed, ratified and authorized, pursuant to IC 36-1-4-16, which provides that a unit may ratify any action of the unit or its officers or employees if that action could have been approved in advance provided that such ratification of an action must be made by the same procedure that would have been required for approval of the action in advance.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of May 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2009-15:** An Order Ratifying, Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Christenson Chevrolet for Three (3) 2009 Chevrolet Impala Police Cars with Special Police Equipment Packages, pursuant to IC 5-22 and §31.18(C) and §31.20 (F) of the Municipal Code.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-15. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negative. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2009-15**

**AN ORDER RATIFYING, APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO
A PURCHASE AGREEMENT WITH CHRISTENSON CHEVROLET FOR THREE (3) 2009 CHEVROLET IMPALA POLICE**

CARS WITH SPECIAL POLICE EQUIPMENT PACKAGES, PURSUANT TO IC 5-22 AND §31.18(C) AND §31.20 (F) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be below \$25,000.00, and the total purchase contract price is likely to be greater than \$25,000.00 but less than \$75,000 quotes from vendors known to deal in the market were sought for the purchase of purchase of three (3) Impala Police Cars, each equipped with a special police accessory package, pursuant to Section § 31.20 (F) et seq., of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has previously identified Christenson Chevrolet, to be a desirable source vendor for the purchase of three (3) Impala Police Cars, each equipped with a special police accessory package at a unit price of \$22,135.75 each, pursuant to Section § 31.20 (F) et seq., of the Highland Municipal Code;

Whereas, The Metropolitan Police Commission and the Metropolitan Police Chief have represented seeking additional bids or quotes would not advance the process and may add undue cost to acquisition in time and money; and

Whereas, The contract price for the purchase of the foregoing was and is in excess of \$10,000 and, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, did require and now does require the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase payments were supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council, acknowledges that this purchase made on December 09, 2008 without prior authorization, now desires to ratify, approve and authorize the Metropolitan Police Chief to enter into a purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1 That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed **purchase** pursuant to IC 5-22 and §31.20(F) et seq. of the Highland Municipal Code;

SECTION 2. THAT THE METROPOLITAN POLICE CHIEF'S PREVIOUS ACTION ON DECEMBER 09, 2008, TO PURCHASE THREE (3) 2009 CHEVROLET IMPALA POLICE EQUIPPED CARS, FROM **CHRISTENSON CHEVROLET** WITH TWO PRICED AT THE MARKET PRICE OF \$20,135.75, EACH AND ONE PRICED AT THE MARKET PRICE OF \$19,635.75, IS HEREBY RATIFIED, AUTHORIZED AND APPROVED;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Section 4. That any actions related to the purchase of the police equipped cars as herein described that may have taken place before the passage and adoption of this order be further affirmed, ratified and authorized, pursuant to IC 36-1-4-16, which provides that a unit may ratify any action of the unit or its officers or employees if that action could have been approved in advance provided that such ratification of an action must be made by the same procedure that would have been required for approval of the action in advance.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of May 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA

Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Resolution No. 2009-23:** A Resolution of the Town Council to Cause a Public Hearing on the possible disposal of the real improvements on property located at 3309 Ridge Road and 3315 Ridge Road, while Retaining the land and to authorize such measures as may then be Recommended, all Pursuant to IC 36-1-11, sections 3 and 4 et seq.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-23. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Order was adopted.

**Town of Highland
Resolution No. 2009-23**

A Resolution of the Town Council to Cause a Public Hearing on the possible disposal of the real improvements on property located at 3309 Ridge Road and 3315 Ridge Road, while Retaining the land and to authorize such measures as may then be Recommended, all Pursuant to IC 36-1-11, sections 3 and 4 et seq.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality pursuant to IC 36-1-2 et seq., and

Whereas, The Town Council for the Town of Highland heretofore acquired certain real estate, legally described as Lot 1 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3315 Ridge Road, and Lot 2 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3309 Ridge Road in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

Whereas, The Town Council for the Town of Highland has determined that it is desirable to retain the land but to take steps to dispose of the real improvement (the houses) that are on the property;

Whereas, Pursuant to IC 36-1-11-3, disposal of real property is subject to the approval of the municipal executive and the municipal fiscal body, if the property to be disposed has an appraised value of \$50,000;

Whereas, Pursuant to IC 36-1-11-3, the approval of the disposal may not be granted without conducting a public hearing after giving notice under IC 5-3-1; and

Whereas, Pursuant to IC 36-1-11-3 (b), the Town Council President as municipal executive, shall designate a municipal board or commission to give notice, conduct the hearing and notify the executive of its recommendation;

Whereas, Pursuant to IC 36-1-11-3 (b), the Town Council President as municipal executive, did designate the Highland Town Council as the municipal board or commission to give notice, conduct the hearing and notify the executive of its recommendation; and

Whereas, The Town Council now desires to give notice, conduct a hearing and notify the executive of its recommendation regarding the disposal of the real improvements while retaining the land located at located at 3315 Ridge Road and 3309 Ridge Road,

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Town Council President and the Town Council hereby express their desire to conduct a public hearing on the matter of the disposal of the real improvements located at 3315 Ridge Road and 3309 Ridge Road, while retaining the land located at those same addresses;

Section 2. That the Town Council hereby authorizes, and directs the proper officer to cause the proper notice of a public hearing, under IC 5-3-1, on the proposed disposal that is the subject of this resolution, pursuant IC 36-1-11, sections 3 and 4;

Section 3. That following the hearing, if the recommendation for proceeding with the disposal is favorable, the Public Works Director is hereby designated the disposing agent to take the proper and necessary steps provided in IC 36-1-11-4, as he may determine to carry out the object and purpose of the recommendation.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 11th day of May 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

7. Action to reaffirm a Letter of Intent Related to Development Activities in the Town of Highland, first approved by the Town Council at special meeting conducted November 17, 2008. *The Highland Town Council approved a letter as indicated addressed to Northwest Indiana Development Group, Inc., a developer. The letter made certain representations affirming the development in the established Downtown Redevelopment Area as established by the Redevelopment Commission and acknowledging types of projects that were outlined for possible development by Northwest Indiana Development Group, Inc.*

Councilor Zemen moved to reaffirm a letter of intent related to Development activities as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The letter was re affirmed.

8. **Works Board Order No. 2009-16:** An Order Acknowledging The Kennedy Avenue Reconstruction Project and Authorizing and Approving A Seventh Supplemental agreement between First Group, Incorporated and the Town of Highland to perform Design Engineering and Professional services in support of thereof.

Councilor Novak moved the passage and adoption of Works Board Order No. 2009-16. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2009-16

AN ORDER AUTHORIZING and APPROVING A SEVENTH CHANGE ORDER to the CONSTRUCTION CONTRACT R-30936-A RELATED to the KENNEDY AVENUE IMPROVEMENT PROJECT, NORTHERN TERMINUS AT LITTLE CALUMET RIVER AND SOUTHERN TERMINUS AT RIDGE ROAD, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24 (3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Kennedy Avenue Reconstruction Project**;

Whereas, In the course of the construction, reconstruction, or repair of the Kennedy Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

Whereas, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented descriptions of such changes as one proposed addendum, to be known as the *seventh addenda* to the original construction contract with Grimmer Construction, Inc., particularly in support of changes in costs associated with items outlined in each order document which has a net effect of increasing the contract cost; and

Whereas, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the orders for change as described;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the First Addendum to the Construction Contract R-30936-A with Grimmer Construction, Inc. for the **Kennedy Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2. That this seventh addendum is hereby ordered to be known as **Change Order No. 7**, issued to add net increases to the original agreement in the net increased amount of twenty-eight thousand, seven hundred fifty-three dollars and eight cents (\$28,753.08), bringing the total value of the entire agreement with any and all change orders approved to date to seven million, three hundred eighty-one thousand, two hundred five dollars and twenty-one cents (\$7,381,205.21) of which twenty percent (20%) is borne locally and eighty-percent (80%) is

borne by the Indiana Department of Transportation, making the local cost of the current change order an increase of five thousand, seven hundred fifty dollars and sixty-two cents (\$5,750.62);

Section 3. That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being seven million, three hundred-thirty-five thousand, six hundred thirty-eight dollars and eighty cents (\$7,335,638.80)) which may not exceed eight million, eight hundred two thousand, seven hundred sixty-six dollars and twenty cents (\$8,802,766.20) all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of May 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members
(Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Chamber of Commerce Co-Liaison • Lake County Solid Waste Management District Board of Directors • President's designee to Selection Centennial Commission.*

Councilor Zemen invited everyone to tune into his show on the Radio Station WJOB, at 8:30 a.m. on second Tuesday of the month.

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Waterworks Directors Liaison • Community Events Commission, Liaison.*

Councilor Herak expressed appreciation for the efforts of State Representative Dan Stevenson for his hand in the passage and adoption of amendment of IC 36-9-25 which authorizes grants for overhead plumbing in certain cases.

Councilor Herak also expressed appreciation and acknowledged Deputy Clerk-Treasurer Katy Dowling's hand in bringing about the proposal that eventually led to the approval of the wellness program.

Councilor Herak further noted the recent newsletter styled as the Gazebo Express and distributed as an insert in the utility invoices mailed throughout town.

- **Councilor Brian Novak:** *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member.*

Councilor Novak positively commended this year's memorial ceremony honoring fallen police officers just conducted at the Sheppard Memorial Park, immediately before the meeting.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper commented favorably on the looks of the VIPS Building (located at Sheppard Park).

- **Councilor Dan Vassar:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Council President Vassar discussed the structure of the pending Sanitary District bond issue, noting that Board was using the provisions in the American Recovery and Reinvestment Act (Economic Stimulus Bill) to designate bonds as Invest in America Bonds, which are taxable but for which the United States Government will pay a 35% cash credit to the issuer.

The Council President noted that the Sanitary District has obtained flow monitors and has placed them in several spots in Lakeside subdivision to further identify compromises in the sanitary sewer systems.

The Council President also commended the recent initial edition of the Gazebo Express Newsletter.

It was further noted that there would be a ceremony conducted at the Main Square on Memorial Day at 10:00 a.m.

Comments from the Public or Visitors.

1. Jim Diehl, 10104 Kennedy Avenue, Highland, expressed his continuing concern about the what he described as the drainage problem associated with the railroad levee which touches his backyard and the standing water in his yard.

Payment of Accounts Payable Vouchers. There being no further business from the public or visitors, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period April 28, 2009 through to May 11, 2009. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$375,955.60; Motor Vehicle Highway and Street (MVH) Fund, \$30,135.99; Local Road and Street (LRS) Fund, \$1,917.50; Forfeited and Seized Assets Fund, \$1,282.50; Law Enforcement Continuing Education and Training Fund, \$1,326.93; Capital Projects Retainage Fund, \$9,442.80; Flexible Savings Account (FSA) Agency Fund, \$3,426.48; Insurance Premium Fund, \$107,666.88; Gasoline Agency Fund, \$2563.67; Information and Communications Technology Fund, \$6,842.17; Civil Donation Fund, \$385.81; Special Events Non Reverting Fund, \$50.00; Municipal Cumulative Capital Development (MCCD) Fund, \$1,207.49; Traffic Violation Agency Fund, \$3,025.00; Safe Neighborhood Grant Fund, \$36,145.00; Corporation Capital Fund, \$65,820.02; Total: \$647,233.84.

Adjournment. Councilor Zemen moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of **Monday, May 11, 2009** was adjourned at 7:43 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in study session following the regular meeting on Monday, May 11, 2009 at 7:51 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, and Brian Novak were present. Councilors Dan Vassar and Konnie Kuiper were absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

John Bach, Public Works Director; and Peter Hojnicky, Metropolitan Police Chief; were also present.

General Substance of Matters Discussed.

1. The Town Council and the Metropolitan Police Chief discussed his concerns with the excessive or false alarm ordinance. The Police Chief expressed his belief that there were limitations on his administrative authority to waive fees in certain cases involving the School Town and in special circumstances. The discussion included charges that involve the Public Works department.
2. The Town Council and the Police Chief discussed his desire to apply for a grant from the US Department of Justice which support a applicant's activities as a sponsor of the Safe Childhood Task Force. The objective of the effort would promote partnership with the Department of Justice Community Justice Programs. No councilor offered any objection.
3. The Town Council and the Public Works Director discussed his request to amend the wage and salary ordinance to raise from the current 1 full-time and 1 part-time street sweeper positions to 2 full-time positions. The discussion included whether or not the modification sought would change the current full-time authorization of 39 persons. The discussion included whether or not the town should purchase a "tar buggy" to support its road surface maintenance. This would be in lieu of the current cold patching that is practiced.
4. The Town Council discussed whether or not public services should be extended to roads that are parts of subdivisions that have not been formally accepted by the Town for maintenance and therefore not included in the roadway inventory supporting the Town's receipts for road money. It was noted that presently the Seeberger Farm Subdivision was not formally received by the town from the developer but snow plowing and related street services were still provided.

There being no further business for discussion, the post study session of Monday, May 11, 2009 was adjourned at 8:25 p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer